

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESS DEASE,)	3:13-cv-00424-MMD-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	March 31, 2015
)	
MICHAEL KOEHN, <i>et</i>)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Wess Dease, In Pro Per (Telephonically)

COUNSEL FOR DEFENDANTS: Peter Keegan, Esq.

MINUTES OF PROCEEDINGS: Motion Hearing

10:00 a.m. Court convenes.

The court holds today's hearing to address any remaining discovery disputes that were raised in Plaintiff's Motion to Compel (Doc. # 41).

The court first has discussion regarding the outcome of the parties' meet and confer conference and what discovery items remain at issue between the parties. The parties agree the only discovery items that remain at issue are Plaintiff's Request for Production of Documents [Set 1]: Request No. 1, 2, 4 and 9.

After having discussion regarding the four outstanding discovery disputes, the court orders the following:

Request for Production of Documents No. 1: The Defendants' objections are **SUSTAINED in part**. The court directs Deputy Attorney General Peter Keegan to coordinate with Ely State Prison ("ESP") to arrange a date and sufficient time for Plaintiff to review his medical records. The court suggests that the Attorney General's Office bates stamp Plaintiff's medical records in advance so the parties can readily identify specific documents in future motions. Mr. Keegan states he will comply with the court's suggestion.

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Request for Production of Documents No. 2: The Plaintiff withdraws his Request for Production of Documents No. 2. Plaintiff's Request for Production of Documents No. 2 is **WITHDRAWN**.

Request for Production of Documents No. 4: The Plaintiff's request is **GRANTED**. Defendants are directed to produce an updated letter addressing specific information regarding the most recent ESP menus. The letter should provide information regarding the Recommended Daily Allowances (RDA) and the Dietary Reference Intakes (DRIs) on persons similar to Plaintiff's physical criteria (e.g. age, weight, etc).

The letter shall be produced to Plaintiff within thirty (30) days of today's date. The court directs that after Defendants produce the letter regarding the nutritional facts and information of ESP menus to Plaintiff, if Plaintiff advises counsel he is not satisfied with the information provided, DAG Keegan is directed to file a notice with the court stating a dispute remains as to the supplemental response for Request for Production of Documents No. 4. The court requests that the letter produced to Plaintiff be attached to the notice for the court's review. The court notes that should the letter contain confidential information regarding Plaintiff himself, Defendants have advance leave of the court to file under seal.

The court schedules a discovery status conference for **Wednesday, May 20, 2015, at 1:30 p.m.** The court will address any disputes that remain outstanding concerning Request for Production of Documents No. 4.

Request for Production of Documents No. 9: The Defendants' objections are **SUSTAINED**.

IT IS THEREFORE ORDERED, Plaintiff's Motion to Compel (Doc. # 41) is **GRANTED in part** and **DENIED in part** pursuant to the discussions had today.

The court next reestablishes the dispositive motions deadline. The court finds it appropriate to identify a date for dispositive motions after Plaintiff's Request for Production of Documents No. 4 is resolved. Therefore, the new dispositive motions deadline is **Tuesday, June 30, 2015**.

The court and parties briefly discuss Plaintiff's Motion for Preliminary Injunction (Doc. # 24). The court advises the parties it will be submitting a report and recommendation on the motion to District Judge Miranda M. Du as soon as it is able to.

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11:12 a.m. Court adjourns.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk